

# Exhibit C

2 of 12

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

4 UNITED STATES OF AMERICA, ) Case No. 08CR0285-H  
5 Plaintiff, ) San Diego, California  
6 vs. ) Monday,  
7 ESMERALDA SALAZAR-SANDOVAL, ) March 17, 2008  
8 Defendant. ) 2:00 p.m.  
 )  
 )

TRANSCRIPT OF MOTION HEARING/TRIAL SETTING  
BEFORE THE HONORABLE MARILYN L. HUFF  
UNITED STATES DISTRICT JUDGE

## 12 APPEARANCES:

13 For the Plaintiff: REBECCA KANTER, ESQ.  
14 Assistant United States  
15 Attorney  
880 Front Street  
San Diego, California 92101

16 For the Defendant: FEDERAL DEFENDERS OF SAN DIEGO  
17 BY: LEILA W. MORGAN, ESQ.  
18 225 Broadway, Suite 900  
San Diego, California 92101  
(619) 234-8467

19 Transcript Ordered by: REBECCA KANTER, ESO.

20 Court Recorder: Nancy Cablay  
United States District Court  
940 Front Street  
San Diego, California 92101  
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22

25 | Proceedings recorded by electronic sound recording;  
transcript produced by transcription service.

1 Transcriber:

Tara Bauer  
Echo Reporting, Inc.  
6336 Greenwich Drive  
Suite B  
San Diego, California 92122  
(858) 453-7590

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1 SAN DIEGO, CALIFORNIA MONDAY, MARCH 17, 2008 2:00 P.M.

2 --oo--

3 (Call to order of the Court.)

4 THE CLERK: Seventeen on calendar, 08CR285, U.S.A.  
5 versus Esmeralda Salazar-Sandoval, motion hearing/trial  
6 setting.

7 MS. MORGAN: Good afternoon, your Honor, Leila  
8 Morgan on behalf of Ms. Salazar-Sandoval, she's in custody  
9 and not yet present.

10 MS. KANTER: Good afternoon, your Honor, Rebecca  
11 Kanter for the United States.

12 (Pause.)

13 MS. MORGAN: Ms. Salazar is now present before the  
14 Court, in custody, and will be assisted by the court  
15 certified Spanish interpreter.

16 (Pause.)

17 THE COURT: One moment.

18 (Court conferring with the clerk.)

19 THE COURT: Good afternoon.

20 MS. MORGAN: Good afternoon, your Honor.

21 THE COURT: This is a time set for motions in this  
22 case. Do the parties wish to proceed with motions?

23 MS. MORGAN: Yes, your Honor, at this time we do.

24 THE COURT: All right, thank you. On the motion  
25 to preserve evidence, any objection by the Government?

1 MS. KANTER: No objection to the motion to  
2 preserve.

3 THE COURT: And how about to re-weigh the  
4 narcotics?

5 MS. KANTER: Your Honor, the Government does  
6 object at this time. I'm --

7 THE COURT: It does object?

8 MS. KANTER: Yes, your Honor.

9 THE COURT: On what grounds?

10 MS. KANTER: On the grounds that we have not -- we  
11 don't believe the Defendant has articulated there is any  
12 error in the original weighing of the narcotics.

13 MS. MORGAN: Your Honor, first of all, this is a  
14 case where there's 46.34 kilograms of marijuana, and that  
15 seems to be a gross weight. I have yet to receive a DEA 7,  
16 I'm sure it's forthcoming, but we would ask for an  
17 opportunity to re-weigh, because stripped of packaging it  
18 very well may change Ms. Salazar-Sandoval's guideline  
19 range --

20 THE COURT: What's the break point?

21 MS. MORGAN: Forty kilograms.

22 THE COURT: Forty. So it's close. So --

23 MS. MORGAN: Not to mention we would ask for an  
24 opportunity to inspect the narcotics. It is the  
25 Government's evidence at trial, and I don't think that's

1 unreasonable.

2 THE COURT: The Court will grant the motion to re-  
3 weigh and to preserve evidence.

4 MS. MORGAN: Is the Court also -- and my  
5 understanding is that we have to have an order to be able to  
6 physically view the vehicle. I've encompassed that in my  
7 discovery motion, I just want to make sure we have a  
8 specific minute order that will allow me to go physically  
9 see the vehicle and view its contents. It's fairly  
10 standard.

11 THE COURT: And that would be by minute order?

12 MS. MORGAN: Yes.

13 THE COURT: And so if it says, "The Court grants  
14 the motion to preserve and re-weigh narcotics," that's  
15 different than viewing the vehicle?

16 MS. MORGAN: I believe so. I -- I just want to  
17 make sure my bases are covered so I'm not petitioning the  
18 Court for an additional order.

19 THE COURT: Okay. So then the Court, in the  
20 minute order, will also say, "The Court grants the  
21 Defendant's request to view the vehicle, and items in the  
22 vehicle, upon reasonable time and notice to the Government."

23 MS. MORGAN: Perfect. Thank you, your Honor.

24 THE COURT: Then in this case, was there any  
25 statement of the Defendant?

1 MS. MORGAN: No, your Honor. It's my  
2 understanding that Ms. Salazar-Sandoval invoked her Fifth  
3 Amendment right, and so as far as I am aware, from current  
4 discovery at this point, there are no statements of Ms.  
5 Salazar-Sandoval. Obviously, I reserve the right to  
6 challenge any -- the admissibility of any statements that  
7 are later provided to me.

8 THE COURT: All right.

9 MS. KANTER: Your Honor, just to clarify. I think  
10 there were statements made to the primary inspection  
11 officer, but yes, there was no statements post Miranda.

12 MS. MORGAN: I'm aware of the -- the primary  
13 statements.

14 THE COURT: Okay. Ms. Barrios, are you still  
15 going to trial April 8th?

16 MS. BARRIOS: Your Honor, at this point I am  
17 planning to be prepared. As the Court knows, I'm having him  
18 evaluated by a doctor, so that could be -- I have no  
19 objection if the Court wants to set something on the  
20 calendar. I don't have that report yet from the doctor, so  
21 I don't --

22 THE COURT: You don't have the report yet? I  
23 don't have the -- it's Steve DiSalvo's (phonetic) case.

24 MS. BARRIOS: And I think he was -- also had  
25 problems with the agent in that case. The agent was

1 hospitalized, had a surgery.

2 THE COURT: Okay. And I'm designating you, Ms.

3 Kanter, as standing in on that. So I could set this one for  
4 trial April 8th.

5 MS. MORGAN: Let me double check my calendar.

6 THE COURT: Assuming -- and then we'd work out  
7 what happens on your case.

8 MS. MORGAN: And would motions in limine be the  
9 morning of the 8th or the 7th?

10 THE COURT: The 7th.

11 MS. MORGAN: Currently I -- your Honor, my problem  
12 with April 8th is, I think that it's going to be necessary  
13 for Ms. Salazar-Sandoval to actually parole in witnesses,  
14 and it's my understanding that the -- it takes at least two  
15 weeks to do that.

16 THE COURT: How many weeks do we have?

17 MS. MORGAN: That puts us --

18 THE COURT: One, two. We got two.

19 MS. MORGAN: Two-and-a-half.

20 THE COURT: Yeah. Why don't we do it and then you  
21 get your parole letters out right away.

22 MS. MORGAN: That's fine. That's fine, your  
23 Honor.

24 THE COURT: And then if -- if it doesn't work, you  
25 couldn't get your witnesses --

1 MS. MORGAN: We can readdress that on the 8th.

2 THE COURT: -- we'll understand?

3 MS. KANTER: Yes.

4 THE COURT: The reason I'm saying is that, then  
5 we've got a large case the 22nd that goes on forever. So --

6 MS. MORGAN: The 22nd of April?

7 THE COURT: Yeah.

8 MS. MORGAN: And then we -- I run into scheduling  
9 difficulties starting in May, so --

10 THE COURT: So why don't we set it for the 8th  
11 with motions in limine on the 7th, recognizing that because  
12 of the timing of the calendar, if this poses a problem for  
13 this one or the other case, that we'll adjust.

14 MS. MORGAN: Okay, perfect. And then it would  
15 make our in limine motions, just so I'm -- I make sure I'm  
16 scheduling correct, due on the 24th, with responses on the  
17 31st, is that correct?

18 THE COURT: Yes.

19 MS. MORGAN: Standard time?

20 THE COURT: Is that doable?

21 MS. BARRIOS: Yes.

22 MS. MORGAN: Uh-huh.

23 THE COURT: Or do you want an extra week?

24 MS. KANTER: Yes, your Honor.

25 MS. MORGAN: I would ask then if the Government is

1 going to use any TEKS evidence, or has any TEKS or jail --

2 THE COURT: Just a minute, before we move to your  
3 other thought. I will, because of the timing, I will --  
4 I'll let you file your motions in limine on the 28th, and  
5 then any response on April 4 so that I give you enough time  
6 to do this.

7 MS. MORGAN: Perfect.

8 THE COURT: Then, you wanted to talk about your  
9 TEKS?

10 MS. MORGAN: Just if there's any TEKS evidence, or  
11 anything like that, that they be produced to the -- produced  
12 from the Government to us, pursuant to Rule 16, in enough  
13 time for us to adequately address them in our motions in  
14 limine.

15 THE COURT: TEKS -- I don't think TEKS is  
16 required, but if the -- if they don't produce it, and they  
17 want to use TEKS in rebuttal, then there's an issue under  
18 some of the case law.

19 So the Government can decide whether it's better  
20 to just give it over or then face an issue if they want to  
21 impeach later on.

22 MS. KANTER: I understand. Thank you, your Honor.

23 THE COURT: Okay.

24 MS. MORGAN: Thank you, your Honor.

25 THE COURT: And then, on leave to file further

1 motions, I've got a scheduling date, and if there's any  
2 other motions you can use those dates.

3 MS. MORGAN: Perfect.

4 THE COURT: All right. The time of the motions in  
5 limine will be 9:00 a.m. on the 7th, and the trial 9:00 a.m.  
6 on the 8th, and that means that you need to get your parole  
7 letters right away.

8 MS. MORGAN: We'll do that this week.

9 THE COURT: If there's any 17(b) 17(c), make sure  
10 I get it and I'll get it back to you right away.

11 MS. MORGAN: Okay, thank you, your Honor.

12 THE COURT: Thank you.

13 MS. KANTER: Thank you, your Honor.

14 (Proceedings recessed.)

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1 I certify that the foregoing is a correct  
2 transcript from the electronic sound recording of the  
3 proceedings in the above-entitled matter.

4  
5 Tara Bauer  
6 Transcriber

7  
8 4-8-08  
9 Date

10 FEDERALLY CERTIFIED TRANSCRIPT AUTHENTICATED BY:

11  
12 J. D. Francisco  
13 L.L. Francisco, President  
14 Echo Reporting, Inc.  
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